

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

LANDRIUS TYREE BOOSE,

Plaintiff,

v.

CIVIL ACTION NO. 3:18-1480

WESTERN REGIONAL JAIL;
ADMINISTRATOR WOOD;
CORRECTIONAL OFFICER ADKINS; and
LIEUTENANT FLEMING,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Defendant Lieutenant Fleming's motion to dismiss (ECF No. 25) be granted; that the amended complaint (ECF No. 23) be dismissed, with prejudice, against Defendant Lieutenant Fleming; and that Defendant Lieutenant Fleming be removed as a defendant in this civil action. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **ORDERS** that Defendant Lieutenant Fleming's motion to dismiss (ECF No. 25) be **GRANTED**; that the amended complaint (ECF No. 23) be **DISMISSED**, with

prejudice, against Defendant Lieutenant Fleming; and that Defendant Lieutenant Fleming be **REMOVED** as a defendant in this civil action, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: October 31, 2019

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE